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U.S. BANKRUPTCY COURT
MARY A. SCHOLTZ, CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

IN RE:)	3:06-cv-00567-HDM-RAM
)	
SCOTT K. GREENE,)	
)	ORDER
Debtor,)	
)	
SCOTT GREEN,)	05-54727
)	
Appellant,)	
)	
vs.)	
)	
ANABELLE SAVAGE,)	
)	
Appellee.)	
)	

On November 3, 2009, the mandate issued based upon the decision of the United States Court of Appeals for the Ninth Circuit dated October 2, 2009. This action is therefore remanded to the United States Bankruptcy Court for the District of Nevada for further proceedings.

DATED: This 4th day of November, 2009.

Howard D McKibbin
UNITED STATES DISTRICT JUDGE



**United States District Court
District of Nevada (Reno)
CIVIL DOCKET FOR CASE #: 3:06-cv-00567-HDM-RAM**

Scott Green v. Rena Wells

Assigned to: Judge Howard D. McKibben

Referred to: Magistrate Judge Robert A. McQuaid, Jr

Case in other court: 9th Circuit, 07-16067

Cause: 28:0158 Notice of Appeal re Bankruptcy Matter (BA

Date Filed: 10/24/2006

Jury Demand: None

Nature of Suit: 422 Bankruptcy Appeal
(801)

Jurisdiction: Federal Question

Appellant

Scott K. Green

represented by **David Rankine**

12 W. Taylor St.

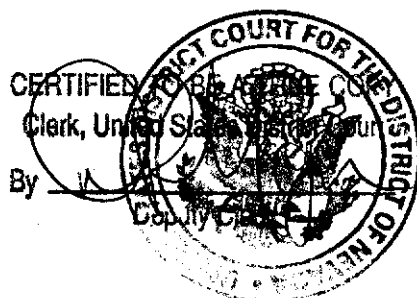
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V.

Appellee

Rena Wells

represented by **Jeffrey L. Hartman**

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V.

Debtor-in-Possess**Scott K. Greene**represented by **David Rankine**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Michael C. Lehnars**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
10/23/2006	<u>1</u>	Notice of APPEAL FROM BANKRUPTCY COURT: Appeal No. 06-12, Bankruptcy Court case number 05-54727-GWZ, filed by Scott K. Green. Certificate of Interested Parties due by 11/2/2006. (Attachments: # <u>1</u> part 2)(WJ,) Modified on 12/13/2006 (DRM,) to note Appeal No. 06-12. (Entered: 10/26/2006)
10/26/2006	<u>2</u>	AMENDED DESIGNATION OF ISSUES ON APPEAL by Appellant Scott K. Green. (DRM,) (Entered: 10/30/2006)
10/30/2006		Judicial Case Assignment to the Honorable Howard D. McKibben and Magistrate Judge Robert A. McQuaid, Jr. (BLG) (Entered: 10/30/2006)
11/01/2006	<u>3</u>	MINUTE ORDER IN CHAMBERS of the Honorable Howard D. McKibben, U.S. District Judge on 11/1/2006. IT IS ORDERED that the designation of reporters and recorders transcripts (if any) as required by LR 8006(b), shall be filed with the clerk of bankruptcy court so the certificate of record on appeal may be transmitted timely to the district court. If the designation was previously filed with the clerk of BAP, counsel shall file a copy of the same with the clerk of bankruptcy court. IT IS FURTHER ORDERED that all future documents filed in connection with this appeal shall bear the bankruptcy case number, adversary case number (if any) and the district court civil case number. (SA,) (Entered: 11/01/2006)
11/06/2006	<u>4</u>	MINUTE ORDER IN CHAMBERS of the Honorable Howard D. McKibben, U.S. District Judge on 11/6/2006. By Deputy Clerk: Emily Alstead: LR 7.1-1 Certificate of Interested parties due 11/16/06. See ord for spec. (DRM,) (Entered: 11/07/2006)
11/17/2006	<u>5</u>	CERTIFICATE of Bankruptcy Record on Appeal. Certificate of readiness to transmit recod on appeal to clerk of U.S. Dist. Ct. (DRM,) Additional attachment(s) added on 11/20/2006 (DRM,). (Entered: 11/20/2006)

11/20/2006	<u>6</u>	MINUTE ORDER IN CHAMBERS of the Honorable Howard D. McKibben, U.S. District Judge on 11/20/2006. IT IS ORDERED appellant shall have period of fifteen (15) days from date of this order to file/serve opening brief. Appellee shall have fifteen (15) days after to file/serve answering brief. Thereafter, appellant shall have ten (10) days to file/serve final reply brief. IT IS FURTHER ORDERED that appellant shall file and serve with appellants brief excerpts of the record as an appendix pursuant to LR 8009(a) and Fed. R. Bank. P. 8009(b). Appellee may also file/serve an appendix with appellees brief which contains required material omitted by appellant. Opening brief due by 12/5/2006. Answering brief due by 12/20/2006. (DRM,) See ord for spec. (Entered: 11/20/2006)
12/01/2006	<u>7</u>	MOTION to Extend Time regarding discovery/non dispositive matter by Appellant Scott K. Green. (Rankine, David) (Entered: 12/01/2006)
12/05/2006	<u>8</u>	ORDER granting <u>7</u> Motion to Extend Time. Appellant's Opening brief due by 1/15/2007. Signed by Judge Howard D. McKibben on 12/5/06. See ord for spec. (DRM,) Modified on 12/5/2006 (DRM,) to reflect 2007. (Entered: 12/05/2006)
12/05/2006		Set/Reset Deadlines: Appellant's Opening brief due by 1/15/2007. (Initially docketed in error as 1/15/06). (DRM,) (Entered: 12/05/2006)
12/15/2006	<u>9</u>	NOTICE by Appellant Scott K. Green of <i>related cases</i> (Lehners, Michael) (Entered: 12/15/2006)
01/08/2007	<u>10</u>	ORDER. case consolidated with 3:06-cv-679-HDM-RAM Opening brief due by 2/15/2007. Signed by Judge Howard D. McKibben on 1/8/2007. (LK) (Entered: 01/09/2007)
01/09/2007	<u>11</u>	MINUTE ORDER IN CHAMBERS of the Honorable Howard D. McKibben, U.S. District Judge on 1/9/2007. By Deputy Clerk: Lia Griffin. An order has been entered in this matter consolidating cases 3:06-cv-00567 and 3:06-cv-00679. Case number 3:06-00567 shall be designated as the BASE file and all documents shall be filed in that case. All documents filed in this consolidated action shall bear the correct case number 3:06-cv-00567-HDM-RAM-BASE. (no image attached) (LG) (Entered: 01/09/2007)
01/19/2007	<u>12</u>	CERTIFICATE of Bankruptcy Record on Appeal. (JW) (Entered: 01/22/2007)
02/15/2007	<u>13</u>	OPENING BRIEF by Appellant Scott K. Green re 11 Minute Order,, <u>1</u> Bankruptcy Appeal,. (Attachments: # <u>1</u> Brief pages 13-20)(Lehners, Michael) (Entered: 02/15/2007)
02/16/2007	<u>14</u>	AFFIDAVIT of Service re <u>13</u> Opening Brief; <i>and Appellant's Excerpt of Record</i> by Appellant Scott K. Green. (Lehners, Michael) (Entered: 02/16/2007)
02/16/2007	<u>15</u>	ADDENDUM to <u>13</u> Opening Brief; <i>Appellants Excerpt of Record</i> by Debtor-in-Possess Scott K. Greene. (Attachments: # <u>1</u> Excerpt page 13-25# <u>2</u> pages 26-40# <u>3</u> pages 40-54# <u>4</u> pages 55-70# <u>5</u> pages 71-85# <u>6</u> pages 86-100# <u>7</u>

		pages 101-115# <u>8</u> pages 116-130# <u>9</u> pages 131-145# <u>10</u> pages 146-160# <u>11</u> pages 161-175# <u>12</u> pages 176-188# <u>13</u> pages 191-205# <u>14</u> pages 206-220# <u>15</u> pages 221-235# <u>16</u> pages 236-251# <u>17</u> pages 253-269# <u>18</u> # <u>19</u> pages 280-288)(Lehners, Michael) (Entered: 02/16/2007)
03/02/2007	<u>16</u>	STIPULATION <i>AND ORDER EXTENDING TIME FOR FILING APPELLEE'S RESPONDING BRIEF</i> by Appellee Rena Wells. (Cope, william) (Entered: 03/02/2007)
03/02/2007	<u>17</u>	ORDER ON STIPULATION GRANTING <u>16</u> Stipulation to extend the time for the filing of appellee's response to <u>13</u> Opening Brief. Answering Appeal Brief due by 3/23/2007. Signed by Judge Howard D. McKibben on 3/2/07. (JW) (Entered: 03/02/2007)
04/04/2007	<u>18</u>	STIPULATION <i>AND ORDER EXTENDING TIME FOR FILING APPELLANT'S REPLY BRIEF</i> by Appellant Scott K. Green. (Lehners, Michael) (Entered: 04/04/2007)
04/05/2007	<u>19</u>	ORDER ON STIPULATION re <u>18</u> Stipulation Extending Time for Filing Appellant's Reply Brief. Reply Appeal Brief due by 5/1/2007. Signed by Judge Howard D. McKibben on 4/5/07. (JW) (Entered: 04/05/2007)
04/06/2007	<u>20</u>	NOTICE by Debtor-in-Possess Scott K. Greene, Appellant Scott K. Green re <u>19</u> Order on Stipulation, Set/Reset Deadlines. (Lehners, Michael) (Entered: 04/06/2007)
05/01/2007	<u>21</u>	REPLY BRIEF by Appellant Scott K. Green re <u>19</u> Order on Stipulation, Set/Reset Deadlines. (Lehners, Michael) (Entered: 05/01/2007)
05/15/2007	<u>22</u>	ORDER AFFIRMING USBC decision. Case terminated. Signed by Judge Howard D. McKibben on 5/15/07. Copy of order mailed to USBC 5/15/07. (JW) Modified on 5/15/2007 to reflect action taken(JW). (Entered: 05/15/2007)
05/29/2007	<u>23</u>	NOTICE OF APPEAL by Appellant Scott K. Green. Filing fee \$ 455, receipt number 575717. (Rankine, David) Copy mailed to USBC 6/4/07. Modified on 6/4/2007 to reflect action taken(JW). (Entered: 05/29/2007)
05/29/2007	<u>24</u>	Civil Appeals Docketing Statement by Appellant Scott K. Green re <u>23</u> Notice of Appeal (Rankine, David) (Entered: 05/29/2007)
05/30/2007	<u>25</u>	CERTIFICATE OF RECORD on Appeal Transmitted to USCA re <u>23</u> Notice of Appeal. (JW) (Entered: 05/30/2007)
05/30/2007	<u>26</u>	TRANSMITTAL of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>23</u> Notice of Appeal. (JW) (Entered: 05/30/2007)
06/07/2007	<u>27</u>	DESIGNATION of Record on Appeal by Appellant Scott K. Green re <u>23</u> Notice of Appeal. (Lehners, Michael) (Entered: 06/07/2007)
06/07/2007	<u>28</u>	STATEMENT of ISSUES ON APPEAL re <u>23</u> Notice of Appeal; by Appellant Scott K. Green. (Lehners, Michael) (Entered: 06/07/2007)

10/02/2009	<u>29</u>	MEMORANDUM/OPINION of USCA dtd 10/2/2009 as to <u>23</u> Notice of Appeal. USDC AFFIRMED in part; REVERSED in part; and REMANDED for proceedings consistent with this opinion. USCA case #07-16067 .(DRM) (Entered: 10/02/2009)
10/26/2009	<u>30</u>	MANDATE of USCA as to <u>29</u> USCA Opinion re <u>23</u> Notice of Appeal (USCA Case No. 07-16067). The judgment of the USCA, entered 10/02/09, takes effect this date. This constitutes the formal mandate of the USCA. (KO) (Entered: 10/26/2009)
11/03/2009	<u>31</u>	ORDER ON MANDATE as to <u>23</u> Notice of Appeal and <u>29</u> Memorandum/Opinion. IT IS ORDERED that the mandate be spread upon the records of this Court. Signed by Judge Howard D. McKibben on 11/03/2009. 07-16067 (Copies have been distributed pursuant to the NEF - MLC) (Entered: 11/03/2009)
11/04/2009	<u>32</u>	ORDER - On November 3, 2009, the mandate issued based upon the decision of the United States Court of Appeals for the Ninth Circuit dated October 2, 2009. This action is remanded to the Bankruptcy Court for the District of Nevada for further proceedings. Signed by Judge Howard D. McKibben on 11/4/2009. (Copies have been distributed pursuant to the NEF - DRM) (Entered: 11/05/2009)